



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/131,941	08/10/1998	HIDEHIRO ISHII	B-3513-61666	8509
7590 04/29/2004				
RICHARD P BERG LADAS & PARRY 5670 WILSHIRE BOULEVARD SUITE 2100 LOS ANGELES, CA 900365679			EXAMINER PSITOS, ARISTOTELIS M	
			ART UNIT 2653	PAPER NUMBER 34
DATE MAILED: 04/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/131,941

Applicant(s)

ISHII ET AL.

Examiner

Aristotelis M Psitos

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 and 44-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicants' response of 2/25/04 has been considered with the following results.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 14-15,44-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims now recite "partial recording information area where partial recording information " is recorded. The examiner cannot readily ascertain where in the specification as originally filed support for such language exists. The dependent claims do not clear up the above and fall with their respective parent claims.

Response to Arguments

Applicant's arguments filed 2/25/04 have been fully considered but they are not persuasive. The examiner cannot reconcile applicants' interpretation with respect to "a plurality of VOBs 10 correspond to a partial recording information area" as presented on page 26 of the above communication. Nowhere as originally filed/nor as presented permits such an interpretation. Since all the independent claims include such language, all pending claims are rejected accordingly.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 4-15,44-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo considered with Yonemitsu et al and all further considered with EP 0800164.

With respect to independent claims 4, 7, 10 and 13 (apparatus claims 4 & 7 and method claims 10 and 13), Heo depicts in col. 3 lines 25 + audio stream attribute information (a table). Audio title

Art Unit: 2653

information management table is found in col. 12 lines 22 plus and this is interpreted as the aggregate attribute information.

Although Heo et al discloses recording such information at each of the information areas (vtsi_mat) the ability of providing a leading area (much like a toc) in this environment which provides information related to the whole video and audio information is taught by the EP document – video manager 2 – see page 8 lines 1-7 for instance.

It would have been obvious to modify the base system of Heo et al with the additional manager area as taught by the EP document, motivation is to provide a lead-in area with information respective to the content of the information contained on the record medium in a first read/central location for subsequent use.

Additionally, the EP document also discloses the pgcs – program chains for the information as well as the use thereof.

In addition with respect to dependent claims 46,47, 54, 55, 62 and 63 the unit audio information attribute information is as depicted in table 12 (sampling frequency and a quantization bit number which meets the limitations of these dependent claims.

With respect to claim 4, obviously there is inherently present a reading unit (to read the information), a storage unit (to store the attribute information read), input unit from the user (to selectively receive a reproduction instruction such as play), and a reproducing unit. This reproducing unit must be able to obtain the attributes corresponding to each of the audio units, determining whether or not such attributes are identical or not, and the attribute change unit, so as to reproduce the next unit audio information. Without such elements, the system above would not be able to reproduce the audio information found on the record medium.

With respect to claims 5,8, 11 and 14, there is also inherently present a search unit to move the reading unit to the appropriate location on the record so as to reproduce the information. Again, without such, no reproduction would be performed.

With respect to claims 6, 9, 12 and 15 as far as the examiner can ascertain from the Heo reference, the record medium is read, hence a reading unit exists, the information read is stored, hence a storage unit exists, input from a user for reproduction is provided from, hence an input unit exists, because

Art Unit: 2653

attributes for the audio information is changed/capable of changing between audio modes, not only must there be a reproducing unit, but an obtaining unit, a determining unit and an attribute changing unit present in Heo. By necessity the time limitation as recited in claim 6 are present, that is there must be sufficient time to provide for the system to reflect the change in the attribute information so as to properly reproduce the audio information.

As part of the overall system controller's responsibility, appropriate decoding of the selected audio tracks containing the audio information is inherently present. When the information is changed,

The controller inherently instructs the appropriate servo unit to move the reproducing unit to the next audio track/pack/segment/section/location in the sequence of information to be reproduced as instructed by the user through his input. Accordingly, there is a delay capability present in order for the mechanics to catch up with the electronics. The attributes of each audio segment is checked in order for the audio information to be properly decoded, and inherently if such attributes are not the same appropriate

In addition, with respect to claims 45 and 53, because Heo discusses the ability of having management areas for the appropriate signals, the examiner concludes that the placing of the aggregate attribute information in such is inherently present.

The appropriate start and stop address and playing time is taught by the Yonemitsu et al reference, see his discussion with respect to sector start and end addresses, and playing time starting at col. 15 line 1 plus. Hence the additional limitations as defined by dependent claims 48 -51, 55-59 and 63-67 are considered met.

It would have been obvious to modify the base system of Heo & the EP document with the above teaching from Yonemitsu et al; motivation is to provide for such routine information along with other management information in a TOC area/ aggregate data management data area (video manager).

If applicants' can convince the examiner that no delay as required by claims 6, 9, 12 and 15 is not present in the above Heo et al system, then the examiner would rely upon Yamamoto et al to teach such.

– permit the selection of appropriately designated locations to reproduce the desired audio segments.

Art Unit: 2653

With respect to Yamamoto, see figure 14.as further analyzed on pages 5 & 6 of the Office action dated 4/14/2000.

It would have been obvious to one of ordinary skill in the art to modify the base reference of Heo & the EP document and Yonemitsu et al with the teaching(s) from Yamamoto et al include the appropriate capability of selecting the designated information track for the proper audio output to be decoded in order of playback in accordance with the change in attributes.

Claims 10-15, 60-67 are drawn to the method of operating the apparatus of claims 4-9 and hence are present/met when the above system operates.

Claim 44 is drawn to the medium only, and such is met by the above combined references.

With respect to independent claims 52, 68 & 69, the following further analysis is made.

Claim 52 includes reproducing elements as discussed above with respect to claim 4 and hence is met. With respect to the last claims (apparatus and method thereof), the above system must have the appropriate generating devices (first and second) to generate the appropriate unit audio information, control data, attribute information etc. as well as the recording element to record such.

With respect to claims 45 and 53 if applicants can convince the examiner that the positioning of aggregate attribute information area within a management information area is not inherently present in the above Heo -EP -Yonemitsu et al system, then the examiner would further rely upon the additional teaching from Hui, which depicts in this environment the ability of having both a directory and index area, interpreted as the location for the unit audio information (aggregate) and the control data.

It would have been obvious to modify the base system of Heo-EP with the additional teaching from Hui in order to provide for separate management data areas, such as that indicative of directors and indexes (folders, subfolders) to appropriately segment the management data into regions wherein supervisory control is handled on a priority bases, such as titles, overall control information to designate appropriate hardware-configurations into a directory and subsequent control information such as start and stop and any additional information so as to provide for a faster system response time.

Art Unit: 2653

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mishina – is also cited as illustrative of teaching the video manager area including the audio attributes – see the discussion thereof.

Yamamoto et al, which also teaches the location of such an aggregate data management area. Both of these could be relied upon in place of the EP document in the above rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Hard copies of the application files are now separated from this examining corps; hence the examiner can answer no questions that requires a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

Art Unit: 2653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP